

## APPENDIX C: MITIGATION AND MONITORING PROGRAM

### INTRODUCTION

This Mitigation Monitoring Program was developed for the Mitigated Negative Declaration which was prepared for the Ma-le'l Dunes Cooperative Management Area Public Access Project pursuant to the California Environmental Quality Act (CEQA). With mitigation, the environmental effects from the project will be reduced to a level of less-than-significant.

Section 15097 of the Guidelines for CEQA requires a program for mitigation monitoring or reporting when a public agency adopts a mitigated negative declaration in conjunction with approving a project. The purpose of the Mitigation Monitoring Program is to ensure that the mitigation measures outlined in the Initial Study for avoiding potential significant impacts are implemented.

The landowners and managers, the Bureau of Land Management and the Fish and Wildlife Service will monitor project implementation to ensure that mitigation measures and BMPs are being incorporated.

#### **Mitigation Measure 1:**

Planned improvements would occur during the dry season in seasonal wetlands, and would incorporate Best Management Practices (BMPs) to control sediment transport, such as conducting work during low tide, and use of silt fencing if necessary.

Timing for Implementation/ Compliance: During construction phase

Person/ Agency Responsible for Monitoring: Contractor, USFWS, BLM

Monitoring Frequency: Continuous during period of construction

Evidence of Compliance: Lack of turbidity in adjacent waters upon visual inspection

#### **Mitigation Measure 2:**

During the breeding season for birds likely to breed in the Ma-le'l Dunes Cooperative Management Area (CMA) (February 15 to August 15), construction activities and routine maintenance would utilize only non-mechanized equipment. Only hand tools and clippers would be allowed during this period, except to address emergency and/or public safety conditions when mechanized equipment would be allowed. The use of mechanized equipment within the breeding season for birds likely to breed in the Ma-le'l Dunes CMA to address emergency conditions would be conducted at the discretion of the Ma-le'l Dunes CMA managers.

Timing for Implementation/ Compliance: During breeding period February 15 to August 15.

Person/ Agency Responsible for Monitoring: Contractor, USFWS, BLM

Monitoring Frequency: Prior to scheduling of construction activities or routine maintenance.

Evidence of Compliance: Log of activities and maintenance conducted, date, and type equipment used.

**Mitigation Measure 3:**

The USFWS will implement Humboldt Bay wallflower seed collection from existing populations on the adjacent Lanphere Dunes Unit, and subsequent dispersal within newly restored areas of the Fernstrom-Root and Ma-le'l parcels. This measure is designed to facilitate the expansion of the wallflower within the CMA and mitigate for potential adverse impacts from off-trail foot traffic. The refuge will obtain a recovery permit.

Timing for Implementation/ Compliance: During the first season of operation of the CMA.

Person/ Agency Responsible for Monitoring: USFWS

Monitoring Frequency: To be determined by USFWS

Evidence of Compliance: To be determined by USFWS

**Mitigation Measure 4:**

All construction activities occurring within or adjacent to endangered plant areas would be supervised by Ma-le'l Dunes CMA resource managers and would take place outside of the growing season to avoid impacts to reproductive individuals. In addition, before the commencement of work and when species are clearly visible all occurrences of Humboldt Bay wallflower rosettes (reproductive season is approximately March 1 through the end of the summer), beach layia (reproductive season is March to May), Humboldt Bay owl's-clover (reproductive season is May through July), Point Reyes bird's-beak (reproductive season is approximately June 1 through end of summer), and other rare plant species located near construction areas would be flagged and the CMA resource managers would document any adversely affected individuals.

Timing for Implementation/ Compliance: Prior to commencement of construction activities

Person/ Agency Responsible for Monitoring: USFWS, BLM

Monitoring Frequency: Prior to initiation of any construction activity

Evidence of Compliance: Visual or written verification that no endangered species were disturbed.

**Mitigation Measures 5:**

A maintenance program for the forest trails in Ma-le'l North would be developed to ensure that routine vegetation clearing does not adversely affect locally rare plants identified by the CMA resource managers.

Timing for Implementation/ Compliance: Prior to the commencement of any vegetation clearing along the trails or routine maintenance.

Person/ Agency Responsible for Monitoring: USFWS

Monitoring Frequency: Annually, when routine maintenance along forest trails occurs.

Evidence of Compliance: Visual inspection that no rare plants were disturbed.

**Mitigation Measure 6:**

In the event any undiscovered paleontological, archaeological, ethnic, or religious resources are encountered during grading or construction-related activities, in compliance with the state and federal law, all work within 100 feet of the resources shall be halted, the archaeologist for the land managing agency will be contacted, and the Plan applicants shall consult with a registered professional archaeologist and designated representatives of the Wiyot Tribal Governments to assess the significance of the find and formulate further mitigation. This would include coordination with the Native American Heritage Commission. The Native American Heritage Commission would contact the Wiyot Tribal Governments, as deemed necessary, to assist in assessing the significance of any find. If any find is determined to be of significance, the USDI-BLM and , FWS, and an appropriate representatives of the Wiyot Tribal Governments qualified archaeologist would meet to determine the appropriate necessary course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work would cease and the County coroner would be contacted. The county coroner and Native American Heritage Commission would be charged with determining if the human remains are of Native American origin.

Timing for Implementation/ Compliance: During all ground disturbing activities and/or during course of operation of the CMA.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: Continuous during grading and ground disturbing construction related activities.

Evidence of Compliance: Visual or written verification that no cultural resources were found and/or disturbed.

**Mitigation Measure 7:**

Cultural monitors will be present during initial, native soil disturbance activities that occur at locations mutually agreed upon by the Wiyot Tribal Governments, USFWS, and BLM (as necessary) as areas of the greatest concern as determined through the process outlined in Mitigation Measure 10. Pursuant to Section 106 of the NHPA, potential impacts to cultural resources will be considered for all future ground disturbing activities associated with management of the CMA on a project-by-project basis.

Timing for Implementation/ Compliance: During all such ground disturbing activities and/or during course of operation of the CMA.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: Continuous during such grading and/or ground disturbing construction-related activities.

Evidence of Compliance: Visual or written verification that cultural monitors were present during such ground disturbing activities.

**Mitigation Measure 8:**

Regulatory signing would state that in accordance to federal and state laws, destruction, and defacement of historical objects (Penal Code 655-1/2 and Antiquities Act)) and removal of human remains (California Public Resources Code (PRC) 5097.5, PRC

## Exhibit 4: Mitigation and Monitoring Program

70550.5, California Code of Regulations (CCR) Section 15064.5(e) and Archaeological Resources Protection Act (ARPA) at 43 CFR 7, Native American Graves Protection and Repatriation Act (NAGPRA at 43 CFR 10) is a punishable crime. Undesignated canoe and kayak landings located on the slough and within the project boundary would be re-vegetated and signed “No Landing/Re-vegetation in Progress.”

Timing for Implementation/ Compliance: Prior to opening the area for public access.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: Once to review draft sign language; once upon completion to assure compliance.

Evidence of Compliance: Signs referencing said state and federal laws are installed at CMA public access entry points and signs stating “No Landing/Re-vegetation in Progress” are installed at undesignated boat landings.

### **Mitigation Measure 9:**

As necessary, USFWS, BLM and the Wiyot Tribal Governments would work collaboratively with a registered professional archaeologist to prepare a baseline review of the cultural resources that the Tribe and agency staff mutually agrees upon as the areas of greatest concern. Thereafter annual review with a registered professional archaeologist and designated representative of the Wiyot Tribal Governments would occur. Furthermore, Ma-le’l Dunes CMA managers would conduct regular monitoring to ensure against vandalism of cultural resources within mutually agreed upon areas of greatest concern. Results of cultural resources monitoring would be conveyed to the appropriate agencies and the Tribes.

Timing for Implementation/ Compliance: Prior to opening the area for public access.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: As agreed upon by federal agencies and Wiyot Tribe

Evidence of Compliance: Regular written verification that monitoring has been conducted and conveyance of results to Wiyot Tribe.

### **Best Management Practices to Address Greenhouse Gas Emissions**

There will also be minor short-term greenhouse gas emissions from the use of heavy equipment and vehicles associated certain elements of the project (rehabilitation of the Ma-le’l North access road, improvements to the two parking areas and upgrading the Tsoutsgish Trail). These emissions can be controlled by the use of best management practices (BMPs), which will be incorporated into project implementation design and activities. BMPs associated with the use of heavy equipment will include, but may not be limited to minimizing idling time of heavy or other fueled equipment by shutting equipment off when not in use or reducing the time of idling to a minimum amount (e.g., 3-5 minutes); maintaining construction equipment in proper working condition; and utilizing locally available tools and equipment and seeking to secure a local source of materials.